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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA,

4 v.

19 Cr. 118 (RA)

5 JESUS WILFREDO ENCARNACION,
6 a/k/a "Jihadistsoldgier,"
7 a/k/a "Jihadinhear,"
a/k/a "Jihadinheart,"
a/k/a "Lionofthegood,"

8 Defendant.

Conference

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10 New York, N.Y.
11 May 9, 2019
11:00 a.m.

12 Before:

13 HON. RONNIE ABRAMS,

14 District Judge

15 APPEARANCES

16 GEOFFREY S. BERMAN

17 United States Attorney for the
Southern District of New York

18 BY: KIMBERLY J. RAVENER

Assistant United States Attorney

19 DAVID E. PATTON

20 Federal Defenders of New York, Inc.
Attorney for Defendant

21 BY: SARAH BAUMGARTEL

Assistant Federal Defender

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23 Also Present: Special Agent Seth Yockel, FBI
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J59WencC

(Case called)

MS. RAVENER: Good morning, your Honor. Kimberly Ravener, for the government, and joining me at counsel table is Special Agent Seth Yokel of the FBI.

THE COURT: Good morning.

MS. BAUMGARTEL: Good morning. Sarah Baumgartel, for the Federal Defenders, on behalf of Mr. Encarnacion.

THE COURT: Good morning.

Do you want to provide me a status update and proposal with respect to next steps?

MS. RAVENER: Yes. Thank you, your Honor.

The government has substantially completed its production of discovery. We've been in contact with defense counsel regarding the potential for a disposition as well as proposed next steps. We understand from defense counsel that they would like to request an additional 60 days from the Court to set the next conference and then at that time we could discuss setting a motion schedule.

MS. BAUMGARTEL: Your Honor, that's correct.

The discovery in this case is somewhat voluminous. We're still going through it. In addition, Mr. Encarnacion has a history of serious mental health issues, and there have been some issues with getting his medication correct at the MCC. He's had a number of medication changes and that's resulted in some psychiatric symptoms, and so part of the delay has been in

J59WencC

1 him having adequate time for him to be able to work with me in
2 reviewing the discovery and making decisions in this case.

3 THE COURT: Why don't we then put it off for 60 days.
4 How about July 12 at 4:00; does that work for everyone?

5 MS. RAVENER: That's fine for the government, your
6 Honor.

7 MS. BAUMGARTEL: Yes.

8 THE COURT: Is the government seeking to exclude time
9 under the Speedy Trial Act?

10 MS. RAVENER: Yes, your Honor, in order to permit the
11 defendant to review discovery with his counsel and also to
12 permit time for the parties to discuss the potential for a
13 pretrial disposition.

14 THE COURT: All right.

15 And I assume you have no objection, Ms. Baumgartel.

16 MS. BAUMGARTEL: No objection.

17 THE COURT: I'll exclude the time from today until
18 July the 12th, pursuant to 18 U.S.C. Section 3161(h)(7)(A). I
19 find that the ends of justice served by excluding such time
20 outweigh the interests of the public and the defendant in a
21 speedy trial because it will allow time for the defendant's
22 medication issues to be resolved and for him to be able to
23 communicate with his counsel, to review the discovery, to
24 decide whether or not he intends to make any motions and
25 discuss any possible disposition of the case.

J59WencC

1 Are there any other applications at this time?

2 MS. RAVENER: No, your Honor.

3 MS. BAUMGARTEL: No. Thank you.

4 THE COURT: Thank you. We're adjourned.

5 MS. RAVENER: Thank you.

6 (Adjourned) .

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